

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.4899 of 2004

South Eastern Coalfield Limited, A Government Company registered under the Companies Act, 1956, which is run, managed and controlled by the Government of India, Through Chairman-cum-Managing Director, South Eastern Coalfield Limited, Bilaspur
 ---- Petitioner

Versus

1. State of Chhattisgarh, Through the Secretary, Department of Labour, D.K.S. Bhawan, Raipur.
2. Assistant Labour Commissioner, Korba
3. Regional Labour Commissioner, Jabalpur

---- Respondents

For Petitioner:	Dr. N.K. Shukla, Senior Advocate with Mr. Vikram Sharma, Advocate.
For State/Respondents:	Mr. Dhiraj Kumar Wankhede, Govt. Advocate and Mr. Ashish Surana, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

02/11/2017

1. Dr. N.K. Shukla, learned Senior Advocate appearing for the petitioner, would submit that notice issued under the provisions of the Minimum Wages Act, 1948 (for short, 'the Act of 1948') by the Assistant Labour Commissioner, Korba is without jurisdiction and without authority of law, as the State Government is not the appropriate Government within the meaning of Section 2(b) of the Act of 1948, therefore, it be quashed.
2. However, Mr. Dhiraj Kumar Wankhede, learned State counsel, would submit that the petitioner has only raised objection and that objection has not been considered and decided by the authority under the Act of 1948.

3. Dr. Shukla further submits that the objection raised by the petitioner may be directed to be considered and decided.
4. The prayer appears to be fair and reasonable.
5. Be that as it may, since the petitioner has raised objection and that objection has not been considered and decided, the competent authority is directed to take decision on the objection of the petitioner within two months from the date of receipt of a copy of this order, by a speaking and well reasoned order. The petitioner is at liberty to file fresh objection before that authority. For the said period of two months, the interim order dated 18-1-2005 shall remain operative.
6. With the aforesaid observation, the writ petition stands finally disposed of. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge